THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.20409 of 2007

Between:

Dasetti Ramulamma and others. … Petitioners

and

The District Collector, Krishna District and others. … Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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ORDER:

It is the case of the petitioners that the 3rd respondent issued D Form pattas granting small extents of land in favour of the petitioners in the year 1985 and since then they have been continuous possession and enjoyment of the said land by cultivating the same. The Mandal Revenue Officer also issued pattadar pass books in their favour. While so, the 2nd respondent issued proceedings in Rc.D.2613/98, dated 09-06-1989, cancelling "D" form pattas granted in favour of the petitioners along with other persons. Aggrieved by the same, the petitioners and others filed W.P.No.9441 of 1989 before this Court. This Court by order, dated 20-12-1996, disposed of the said writ petition on the ground that the said cancellation orders were passed without giving any notice to the petitioners and, therefore, the said orders are passed against the principles of natural justice. Accordingly, while setting aside the impugned orders, directed the petitioners to file their explanations, treating the impugned order as a show cause notice, within a period of two months from 20-12-1996. On filing such explanations, the 2nd respondent shall dispose of the matter in accordance with law, within a period of three months thereafter. In case, no explanation is filed, it is open to

the Authorities to proceed against the petitioners in accordance with law. Pursuant to the said order, no explanation is filed within the stipulated time, and, therefore, the 2nd respondent passed the order in Rc.No.1654/94, dated 28-06-1997. Questioning the said order, the petitioners and others filed W.P.No.16525 of 1997 before this Court. This Court by order, dated 24-07-1997, allowed the writ petition setting aside the order of the 2nd respondent in Rc.No.1654/94, dated 28-06-1997, on the ground that the Revenue Divisional Officer acted too much technically in not looking into the objections filed by the petitioners well before the impugned order, dated 28-06-1997, i.e., on 18-03-1997, and accordingly, the 2nd respondent is directed to consider and dispose of the proceedings afresh after considering the objections filed by the petitioners on 18-03-1997.

Learned counsel appearing for the petitioners submits that the 2nd respondent has not passed any order pursuant to the order passed by this Court on 24-07-1997 and, therefore, it is not open for the 3rd respondent to initiate proceedings under the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short “the Act”).

I am unable to accept the said contention because the earlier proceedings initiated by the 2nd respondent are on the ground that the persons, in whose favour the assignment was made, were not the residents of the Unikili village and the Government prohibited the assignment of Government land within 5 kms. belt of Kolleru lake, and the land in Unikili village lies within 3 kms. from Kolleru lake.

I am of the opinion that merely because the 2nd respondent has not taken any action for cancelling the assignment made in favour of the petitioners, it cannot be said that it is not open for the 3rd respondent to take action under the Act. Whatever may be the reason, the 2nd respondent has not chosen to pass any orders cancelling the assignment made in favour of the petitioners, but that does not mean that the petitioners are entitled to violate the provisions of the Act. The impugned notices go to show that the petitioners leased out the lands in question in contravention of Section 3 (2) of the Act and, therefore, the 3rd respondent in exercise of power conferred under Section 4(1)(a) of the Act, intends to resume the lands in question into the Government custody, after giving reasonable opportunity to the petitioners. As the impugned notices are only show cause notices, I am unable to accept the contention of the petitioners that the 3rd respondent has no power or authority to issue the impugned notices and the same are issued contrary to the earlier proceedings.

Accordingly, the writ petition is dismissed. However, it is observed that if no final orders have been passed as on today, pursuant to the show cause notices, dated 27-08-2007, the petitioners are permitted to file their explanations within ten days from today. There shall be no order as to costs.

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27-09-2007

Prv